

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

GLENN ROLLEN, et al.,

Plaintiff(s),

vs.

CITY OF BOWLING GREEN, et al.,

Defendant(s).

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Case No. 2:08CV34 JCH

ORDER

This matter is before the Court on Defendants' Motion to Strike Plaintiff Glenn Rollen's Cross Motion for Summary Judgment and Response to Defendants' Motion for Summary Judgment, filed October 23, 2009. (Doc. No. 64). Plaintiff has not responded to the motion.

By way of background, the Court entered a Case Management Order in this matter on January 14, 2009. (Doc. No. 24). The Case Management Order set a deadline of September 14, 2009, for the filing of dispositive motions. (Id., P. 2). On September 1, 2009, Defendants filed their Motion for Summary Judgment. (Doc. No. 57). When Plaintiff failed to respond to the motion, the Court granted him until October 16, 2009, within which to file his response. (Doc. No. 62).

On October 17, 2009, Plaintiff filed a document entitled "Plaintiff's Motion for Partial Summary Judgment and Reply to Defendants' Motion for Summary Judgment." (Doc. No. 63). Defendants then filed the instant motion on October 23, 2009, asking that the Court strike Plaintiff's Motion for Partial Summary Judgment and Response to Defendants' Motion for Summary Judgment as untimely. (Doc. No. 64). Upon consideration, the Court will grant Defendants' motion in part.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Strike Plaintiff Glenn Rollen's Cross Motion for Summary Judgment (Doc. No. 64) is **GRANTED**, and Plaintiff's Motion for Partial Summary Judgment (Doc. No. 63) is **STRICKEN**.

IT IS FURTHER ORDERED that Defendants' Motion to Strike Plaintiff Glenn Rollen's Response to Defendants' Motion for Summary Judgment (Doc. No. 64) is **DENIED**.

IT IS FURTHER ORDERED that Defendants are granted until **Friday, November 13, 2009**, within which to file their reply to Plaintiff's response to Defendants' Motion for Summary Judgment (Doc. No. 57).

Dated this 5th day of November, 2009.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE